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## **PART 409 - Conservation Planning Policy**

### **409.0 General.**

- (a) This document establishes Natural Resources Conservation Service (NRCS) policy for providing conservation planning assistance to clients. The Director of the Conservation Operations Division (COD) has the functional oversight for this policy. As part of this oversight, the Director of COD will establish a tracking and quality assurance system to assess the progress of states in implementing conservation planner training, certification and maintenance programs.
- (b) State Conservationists may supplement this policy, as needed, to provide specific guidance and to comply with State, tribal and local laws and regulations. A copy of each State supplement will be sent to the appropriate Regional Conservationist (RC) and Director, COD.
- (c) The [National Planning Procedures Handbook \(NPPH\)](#) provides procedures and guidance on implementing this planning policy, including relationships to the [Field Office Technical Guide \(FOTG\)](#), electronic storage of data, technical handbooks, and program guidance in the planning process. The NRCS planning process and standards as outlined in the NPPH will be used for all conservation planning.
- (d) In cases where NRCS is assisting, or is assisted by other agencies or groups, NRCS planning procedures and plan format may be modified to meet those specific client needs.

## **PART 409 - Conservation Planning Policy**

### **409.1 Conservation Planning Objective.**

(a) The objective in conservation planning is to help each client attain sustainable use and sound management of soil, water, air, plant, and animal resources. The purpose is to prevent the degradation of resources and to ensure their sustained use and productivity, while considering the client's economic and social needs.

(1) The NRCS conservation planning process emphasizes development of resource management systems (RMS). An RMS is a combination of conservation practices and resource management activities for the treatment of all identified resource concerns for soil, water, air, plants, animals, and humans that meets or exceeds the quality criteria in the FOTG for resource sustainability.

(2) The minimum level of treatment to strive for in the planning process is the RMS. Progressive planning is used to work toward an RMS when a client is ready, willing, and able to make some, but not all of the decisions necessary to achieve an RMS level of management.

(b) When programs or initiatives exist, for example, Highly Erodible Land provisions, that define other levels of planning for specific resource issues, clients will be offered alternatives that, as a minimum, meet the criteria of those programs. However, the conservation planner will encourage the client, who is a participant in programs that are related to specific resource issues, to develop an RMS plan or progressive plan as appropriate. This will help the client identify and address all resource concerns and provide a plan to use with other existing or future programs.

(c) Resource management objectives of NRCS' clients are addressed through the development of individual conservation plans, areawide conservation assessments, and areawide conservation plans. Clients develop plans and assessments with conservation planning assistance from NRCS, conservation districts, Resource Conservation and Development Councils, and other appropriate sources. NRCS conservation planning assistance is based on ecological, economic, and social considerations relative to the resources. When NRCS provides conservation planning assistance, on-site visits with clients are an integral part of that assistance.

(d) Conservation plans are the basis for all assistance NRCS provides to clients and the basic tool for them to manage their natural resources. The conservation plan, however, is just one product of the planning process. The greatest value comes by having the client engaged in every step of the planning process. The

client develops an understanding of the natural resource issues, interactions and treatments necessary for resource sustainability.

## **PART 409 - Conservation Planning Policy**

### **409.2 Conservation Planning Assistance Delivery.**

(a) All citizens will have equal access to NRCS programs. Assistance provided will be in compliance with all Civil Right Acts, Non-discrimination statutes, and regulations of the Secretary of Agriculture.

(b) NRCS traditionally provides conservation planning assistance on a request basis.

(1) Assistance is given on individual land units through conservation districts and tribal districts based on a mutual agreement and a cooperative working agreement. The mutual agreement establishes a partnership and a foundation for USDA agencies to cooperate with States, units of government, tribal governments, conservation districts, and tribal districts.

(2) The cooperative working agreement supplements the mutual agreement and establishes the relationship between the partners and agencies of USDA, and between State conservation agencies or tribal governments and conservation districts or tribal districts.

(3) NRCS may enter into agreements with other organizations and units of government to provide conservation planning assistance as mutually agreed upon. The State Conservationist will determine the level of NRCS assistance to be provided in areas without conservation districts. NRCS will provide assistance for programs mandated by Congress independent of a cooperative working agreement with the conservation district.

(c) NRCS has a “Trust” responsibility to deliver service to American Indian tribes through a government to government relationship. Law, policy, and other directives require government to government responsibilities.

(1) Executive memos direct Federal agencies to remove procedural impediments to working effectively with tribal governments in the delivery of programs and services, and to develop the best mechanism for delivering programs and services to tribes through the consultative process.

(2) A tribe may determine that a conservation district is not wanted or needed and that another mechanism fits their situation better.

(3) The State Conservationist will consult with federally recognized tribes to determine the optimum means of delivering NRCS programs and services.

(4) Every effort will be made to fulfill NRCS’ government to government responsibilities.

(d) In providing assistance, NRCS will comply with all applicable Federal, State, and local laws, program rules, policy statements, executive orders, and international agreements.

(e) Areawide conservation planning, especially for those situations with complex objectives, requires the use of interdisciplinary teams of specialists in the planning effort.

(f) In complex situations, NRCS will employ an early scoping process to determine expected needs for NRCS services and other resources before committing to planning assistance.

(g) Assistance on Federal or State land that will require a significant amount of NRCS resources beyond the required scoping process completed early in the planning process, will be based on an agreement that provides for reimbursement of NRCS services. The State Conservationist will determine when an agreement is required.

## **PART 409 - Conservation Planning Policy**

### **409.3 Requirements for Providing Conservation Planning Assistance.**

(a) All NRCS conservation planners will be certified. The COD will establish minimum criteria to be met by NRCS employees to be a “certified conservation planner” ([See GM-180, Part 409.9](#)).

(1) A certified conservation planner is a person who possesses the necessary skills, training, and experience to implement the NRCS nine-step planning process to meet client objectives in solving natural resource problems.

(2) The certified conservation planner has demonstrated skill in assisting clients to identify resource problems, to express the client’s objectives, to propose feasible solutions to resource problems, and leads the client to choose and implement an effective alternative that treats resource concerns and meets client’s objectives.

(3) State Conservationists may establish additional certification levels and criteria as needed to cover degrees of scope and complexity in planning environments.

(b) All plans developed with the assistance of NRCS and partner employees will be approved by an NRCS or partner certified conservation planner. When a conservation plan is being used to meet specific USDA program requirements under the authority of NRCS, it must be approved by the appropriate NRCS official. For example Highly Erodible Land Compliance, Environmental Quality Incentives Program, Wetland Restoration Program planning approval is a responsibility cannot be delegated.

(c) State Conservationists will establish and implement a process to ensure training is provided to employees. This is to include the following actions:

(1) Development of State training needs and budgets for conservation planning training.

(2) The State Conservationist will develop a list of qualifications (knowledge, skills, and abilities) required for certified conservation planner designations in addition to the requirements listed in [GM-180, Part 409.9](#). These qualifications should include knowledge of the following fundamentals such as:

(i) Crop production

(ii) Grazing systems

- (iii) Plant growth
- (iv) Soil-water-plant relationships
- (v) Plant identification
- (vi) Nutrient uptake
- (vii) Erosion processes
- (viii) Water quality
- (ix) Proficiency in scientific tools and models
- (x) Animal production
- (xi) Conservation practices and systems common to the work area
- (xii) Wildlife management
- (xiii) State and local laws and regulations that may influence conservation planning.

(3) Training must be provided through [NRCS training courses](#), on-the-job training or equivalent courses and methods approved by the State Conservationist as meeting the identified training need. Approval of equivalent courses will be done in consultation with the Director, National Employee Development Center.

(4) The State Conservationist will ensure that all NRCS employees that approve conservation plans meet minimum NRCS certified conservation planner requirements.

(d) The State Conservationist will establish and maintain a list of NRCS certified conservation planners in the State consisting of NRCS employees, volunteers, and employees of Soil and Water Conservation Districts and State conservation agencies that have requested to participate.

(e) State Conservationists may approve non-NRCS sources to certify conservation planners in accordance with procedures in the Conservation Programs Manual ([CPM](#)), [Part 504](#). State Conservationists may also directly certify qualified individuals, such as third party vendors, as conservation planners contingent upon these individuals satisfying NRCS requirements. Whether providing assistance to an approved source, or directly certifying a qualified individual, the State Conservationist will ensure that this assistance is consistent with existing NRCS policies and technical guides. As a minimum:



(1) State Conservationists are required to provide organizations that are interested in becoming approved sources with the minimum criteria that NRCS uses to certify conservation planners.

(2) An NRCS approved source will maintain and make it accessible to the State Conservationist, an up-to-date list of the conservation planners it has certified.

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### **409.4 Planning on Units that Cross a State, County, or Field Office Boundary.**

- (a) NRCS assistance on an individual land unit that crosses a State, county, or field office boundary is the responsibility of the field office where the headquarters of the land unit is located, or as otherwise agreed upon by the client and respective State Conservationists. Conservation planning will be consistent with the FOTG covering the area where the land unit is located.
- (b) For assistance to groups or units of government on a land unit that crosses a State boundary, the State Conservationists, in consultation with the client, will determine by mutual consent which State will have the lead responsibility for providing planning and other technical assistance.

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### **409.5 Documentation of Conservation Planning Data.**

Conservation planning data may be documented in hard copy, electronic format, or both, as appropriate. Agency approved software and software components will be used when the data is documented electronically.

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### **409.6 Conservation Planning Assistance that may have International Impacts.**

Assistance provided will be in compliance with National Instruction 280-301, International Conservation Assistance. State Conservationists will provide access to instructions for affected field offices as appropriate.

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### **409.7 Freedom of Information Act (FOIA) of 1966 and Privacy Act (PA) of 1974.**

NRCS policy and procedures on FOIA and PA are contained in National Instruction 120-310 and [GM-120, Part 408, Subpart C](#).

## **PART 409 - Conservation Planning Policy**

### **409.8 Public Participation in the Planning Process.**

(a) Public participation is an integral part of the NRCS planning process, and is described in [GM-400, Part 400](#). Opportunities for public participation and involvement will be provided throughout the planning process to provide for a full partnership when working with groups (not acting as an individual), communities, and units of government. Individual conservation plans do not require public participation.

(b) Every areawide conservation planning effort will include a public participation component to the extent determined by the State Conservationist. Public participation activities are to be consistent with the requirements of applicable Federal statutes, Council on Environmental Quality (CEQ), National Environmental Policy Act (NEPA) regulations ([40 CFR Parts 1500-1508](#)), Civil Rights requirements and State statutes.

## **PART 409 - Conservation Planning Policy**

### **409.9 Minimum Criteria to Achieve an NRCS Certified Conservation Planner Designation.**

(a) NRCS certified conservation planner candidates must complete all modules of the NRCS Conservation Planning Course or equivalent, before completing the field review ([See GM-180, paragraph 409.9\(d\)](#)). The State Conservationist, in consultation with the NRCS National Employee Development Center Director, will determine the equivalence of other training courses. The State Conservationist may provide the person a letter of waiver of this requirement, if the individual has previously demonstrated competence in RMS plan development.

(b) Candidates must possess and demonstrate the following knowledge, skills, and abilities:

- (1) Awareness of the National Conservation Program.
- (2) Skill in applying the NRCS Conservation Planning Process.
- (3) Ability to plan and implement conservation practices common to the geographic area.
- (4) Knowledge of NRCS Field Office Technical Guide standards and specifications for applicable conservation practices in the State and locality.
- (5) Skill in applying approved erosion prediction technology (Revised Universal Soil Loss Equation and the Wind Erosion Equation).
- (6) Skill in using applicable site vulnerability assessment tools.
- (7) Knowledge of Federal, State, tribal, and local laws and regulations.

(c) Candidates must meet any additional minimum qualifications and criteria for conservation planning assistance established by the State Conservationist.

(d) Candidates must complete at least one field reviewed Resource Management System (RMS) plan for a conservation management unit (CMU).

- (1) The planner will be accompanied to the field by the State Conservationist's designee to meet with the decisionmaker.
- (2) The candidate will be expected to demonstrate competency in the planning process and plan development.

- (3) The observer will evaluate the planner's involvement with the decision-maker (landowner or land operator) in the planning process and whether all resource concerns associated with the CMU are adequately addressed.
  - (4) Field reviewed plans must be approved by the State Conservationist or designee prior to final delivery to the decisionmaker.
- (e) NRCS certified conservation planners are responsible for keeping their own individual development plan updated to reflect conservation planning training needed and completed to maintain or increase their skill level. Training to maintain and update conservation planning skills must, at a minimum, occur once every three years.
- (1) The State Conservationist will determine the type and minimum hours of training necessary to maintain the certified conservation planner designation.
  - (2) Supervisors and certified conservation planners share the responsibility to identify and provide opportunities for employees to achieve needed maintenance or additional knowledge enhancement requirements.
  - (3) NRCS certified conservation planners are responsible for keeping their own records of training completed and providing the information to NRCS as evidence of meeting the minimum certification requirements.
- (f) The State Conservationist will address maintaining the certified conservation planner process and designation in the "State Quality Assurance Plan(s)".
- (1) Each certified conservation planner's designation will be reviewed at least once every three years by the State Conservationist or designee.
  - (2) A sufficient number of conservation plans will be reviewed to determine that the conservation plans meet the NRCS planning policy and follow the procedures and guidelines listed in the [NPPH](#).
  - (3) If an individual fails to meet the criteria for the certified conservation planner designation, the status will be revoked and the individual must be re-certified before providing conservation planning assistance.
  - (4) If multiple certified planner levels exist, an individual could become decertified at a higher designated level while retaining a lower certification level.



## **PART 409 - Conservation Planning Policy**

### **409.10 Minimum Standards for Providers of Conservation Technical Assistance Associated with Comprehensive Nutrient Management Plans.**

(a) A comprehensive nutrient management plan (CNMP) describes and documents a conservation system within a conservation plan that is unique to animal feeding operations.

(1) At a minimum, a CNMP must address quality criteria to the sustainable level for soil erosion and water quality for the planning unit associated with the animal feeding operation. Conservation planning activities associated with the development of a CNMP, however, should attempt to achieve a CNMP that addresses quality criteria to the RMS level for all five natural resources (soil, water, air, plants, and animals).

(2) Any CNMP that is developed by a NRCS or partner employee will have the plan approved by a NRCS certified conservation planner, as defined by [GM-180, Part 409.3](#) or [GM-180, Part 409.9](#).

(b) A CNMP may be comprised of six possible elements:

(1) Manure and Wastewater Handling and Storage.

(2) Land Treatment Practices.

(3) Nutrient Management.

(4) Record Keeping.

(5) Feed Management.

(6) Other Utilization Options.

(c) All of the elements, except Record Keeping, are technical in nature and require a certain level of acquired expertise to adequately address. To adequately address a specific element of a CNMP would require the planning and implementation of conservation practices that address the resource concerns identified for that specific element. An individual that has demonstrated a competency in planning and implementing conservation practices associated with one or more of the specific elements of a CNMP would qualify to be designated a “certified specialist.”

(d) Record Keeping is a task completed solely by the owner and/or operator and is not an element that involves an approval by a certified specialist.

(e) The elements Feed Management and Other Utilization Options at present do not have NRCS conservation practice standards associated with their development and implementation. These elements are considerations in the planning process and do not require NRCS element certification. Should feed management become more than a consideration as a part of the CNMP a qualified animal nutritionist should be used.

(f) The State Conservationist will establish a certification program, or use a program established by a national organization, university, Cooperative State Research and Extension Service, State government, or other appropriately qualified entity, that provides for certified specialists associated with the core elements of a CNMP, such as the following:

- (1) Manure and Wastewater Handling and Storage.
- (2) Land Treatment Practices.
- (3) Nutrient Management.

(g) This paragraph establishes the minimum requirements associated with certification of individuals who will approve the development and/or design and implementation of elements of a CNMP. Any certification program must satisfy these requirements. Candidates for certification must also meet any additional qualifications and requirements established by the State Conservationist. The State Conservationist will ensure that all pertinent State certification and licensing requirements (e.g., engineering license, certified nutrient management specialist.) are met as a part of any program established.

### **(1) General Requirements.**

This subsection describes the general requirements that the State Conservationist must address in the approval of any certification program for “certified specialists”. The State Conservationist will determine how competency will be demonstrated or measured as part of the certification process for each of the following:

- (i) An awareness of the NRCS conservation planning process comparable to the information contained in the [NRCS Conservation Planning Course, Modules One to Five](#).
- (ii) An awareness of agricultural waste management systems equivalent to the information contained in the NRCS [Agricultural Waste Management Systems: A Primer Course](#).
- (iii) The contents and use of the NRCS Field Office Technical Guide as related to specific elements of the CNMP for which expertise is being provided.

(iv) Criteria associated with the various elements of a CNMP as contained in the [NRCS Comprehensive Nutrient Management Planning Technical Guidance](#).

(v) Applicable local, State, tribal, and Federal laws and regulations that impact the elements of a CNMP.

## **(2) Requirements Specific to Elements of a CNMP.**

This subsection describes the requirements specific to certain elements of a CNMP. As a part of the certification process, the State Conservationist will determine how competency will be demonstrated or measured for the following elements:

### **(i) Manure and Wastewater Handling and Storage.**

This element addresses the components and activities associated with the production facility, feedlot, manure and wastewater storage and treatment structures and areas, and any areas or mechanisms used to facilitate transfer of manure and wastewater. The following are required:

- (A) Knowledge adequate to design and implement conservation practices typically used to address this element of a CNMP. The State Conservationist will need to identify the conservation practices typically used in the State to address this element.
- (B) Working knowledge of the information contained in the [NRCS Agricultural Waste Management Systems Level 2 Course](#), or equivalent.

### **(ii) Land Treatment Practices.**

This element addresses the land on which manure and wastewater from an animal feeding operations will be applied. The following knowledge and skills are required:

- (A) Skill in applying soil loss and/or wind erosion prediction tools, as appropriate.
- (B) Skill in using site vulnerability assessment tools. Acceptable site vulnerability assessment tools allowable for use in a State will be specifically identified as part of that State's certification process.
- (C) Knowledge of the NRCS conservation planning process.
- (D) Knowledge adequate to design and implement conservation practices common to the geographic area.

### **(iii) Nutrient Management.**

This element addresses the requirements for land application of all nutrients and organic by-products (e.g., animal manure, commercial fertilizers, crop residues, legume credits, and irrigation water) that must be

evaluated and documented for each Conservation Management Unit. The following knowledge, skills, and abilities are required:

- (A) Working knowledge of the information contained in [the NRCS Introduction to Water Quality Course](#), or equivalent.
- (B) Skill in using nutrient risk assessment tools. Acceptable risk assessment tools allowed for use in a State will be identified as part of that State's certification process.
- (C) Working knowledge of the information in the [NRCS Nutrient and Pest Management Considerations in Conservation Planning Course](#), as it pertains to nutrient management, or equivalent.
- (D) Skill in developing a plan to address the nutrient management conservation practice in compliance with the NRCS Nutrient Management ([FOTG Practice Code 590](#)), and, as appropriate, Irrigation Water Management ([FOTG Practice Code 449](#)) conservation practice standard(s).

#### **(h) Training.**

Training must be provided through NRCS training courses, on-the-job training, or equivalent courses and methods approved by the State Conservationist as meeting the identified training requirement. The State Conservationist, in consultation with the Director, National Employee Development Center will grant approval for course equivalency in lieu of an NRCS formal training course.

#### **(i) Maintaining Certifications.**

Certified specialists are responsible for keeping and completing updating of their own individual development plan to reflect training needed and to maintain or increase their skill level. Training to maintain and update skills must, at a minimum, occur once every three years. The State Conservationist will determine the type and minimum hours of training necessary to maintain the certified specialist designation.

#### **(j) Quality Assurance.**

The State Conservationist will address maintaining certified specialist certification programs in their "State Quality Assurance Plan." The State Conservationist or designee will review each certified specialist designation, at least once every three years. A sufficient number of plans and/or design reviews will be completed to determine whether the plans and/or designs developed and implemented will meet NRCS conservation practice standards and policy, and the intent of the Comprehensive Nutrient Management Plan Technical Guidance. If an individual fails to meet the qualifications or criteria established for a certified specialist designation the status will be revoked by the certifying organization, and the individual must re-certify

**(k) Certified Specialists.**

NRCS will maintain a list of certified specialists certified by NRCS. Each NRCS-approved source of a certification program for third parties will maintain a current list of specialists certified by that program and will make it available to the State Conservationist.

## **PART 409 - Conservation Planning Policy**

### **409.11 Minimum Standards for Providers of Conservation Technical Assistance Associated with Conservation Planning that includes Pest Management.**

(a) NRCS roles in pest management are:

- (1) Evaluating environmental risks associated with probable pest management recommendations.
- (2) Developing appropriate mitigation alternatives to minimize environmental risks.
- (3) Assisting clients to adopt Integrated Pest Management (IPM) that helps protect natural resources.
- (4) Assisting clients to develop and implement an acceptable pest management component of their overall conservation plan.

(b) The State Conservationist must ensure that all NRCS personnel who provide technical assistance for pest management are properly trained and meet applicable requirements for their positions as well as State or local licensing and/or certification requirements. In addition, the State Conservationist must establish a process to provide continuing education to maintain employee competency.

(c) Although certification is not required to develop or revise pest management components of conservation plans, all persons who approve pest management components of conservation plans must be certified specialists in pest management. A certified conservation planner as required by [GM-180, Paragraph 409.3\(b\)](#) will approve the overall conservation plan.

(d) The State Conservationist must establish a program to certify specialists who approve pest management components of conservation plans, including:

- (1) NRCS employees
- (2) Volunteers
- (3) Employees of Soil and Water Conservation Districts and State Conservation agencies that have requested to participate.

(e) The State Conservationist may establish a program to certify third party vendors and other private sector individuals such as certified crop advisors and crop consultants. Existing programs from national certifying organizations, land grant universities, Cooperative State Research Education, and Extension Service,

State government agencies and other appropriately qualified entities may be utilized as components of the NRCS certification program in a State.

(f) In addition, the State Conservationist must establish a process to provide continuing education to maintain certification for all specialists who approve pest management components of conservation plans.

(g) The State Conservationist must address the following in establishing a program for certifying specialists who approve pest management components of conservation plans:

- (1) An understanding of the conservation planning process.
- (2) An understanding of the production systems where pest management will be applied.
- (3) An understanding of local, State, and Federal laws and regulations related to pest management.
- (4) An understanding of natural resource concerns related to pest management activities.
- (5) An awareness of the content of NRCS pest management policy.
- (6) An understanding of the content and use of the NRCS FOTG.
- (7) Proficiency in applying the NRCS pest management standard ([FOTG Practice Code 595](#)).

(h) For items 1 through 7 listed above, the State Conservationist must determine how competency will be demonstrated. The following are minimum requirements:

- (1) Successful completion of “[NRCS Conservation Planning Modules One through Five](#)” or equivalent.
- (2) Successful completion of the “NRCS Introduction to Water Quality Course” or equivalent.
- (3) Successful completion of the pest management track of the NRCS “[Nutrient and Pest Management Considerations in Conservation Planning](#)” course or equivalent.
- (4) Demonstrated skill in using the Windows Pesticide Screening [Tool \(WIN-PST\)](#) and/or other appropriate pest management environmental risk screening tools.
- (5) Demonstrated skill in developing the pest management component of a conservation plan based on the State Pest Management ([FOTG Practice Code](#)

[595](#)) conservation practice standard.